

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SYLVESTER JAMES MAHONE,

Plaintiff,

v.

PAT MCCARTHY et al.,

Defendants.

CASE NO. 3:14-CV-05812-BHS-JRC

ORDER ON REMAINING CLAIMS

This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1, MJR 3, and MJR 4.

On September 22, 2015, defendants' motion to dismiss (Dkt. 27) was granted as to all of plaintiff's claims except his Eighth Amendment claims for deliberate indifference as to plaintiff's safety and deliberate indifference as to plaintiff's medical needs. Dkt. 51. However, plaintiff was given leave to amend his claim alleging a failure to train and claims asserting violations of the Americans with Disabilities (ADA) and Rehabilitation Act (RA). *Id.* Plaintiff has failed to amend his claim alleging a failure to train and claims asserting ADA and RA

1 violations by the deadline imposed by the Court. *See* Dkts. 47, 51, Dkt. entry dated September  
2 22, 2015. Thus, this case is proceeding on plaintiff's two remaining claims: (1) failure to take  
3 reasonable steps to protect plaintiff's safety against defendants McCarthy, Parker, Pastor,  
4 Daniels, Spencer, Karr and Carn; and (2) failure to provide adequate medical care against  
5 defendant Balderoma.

6 Dated this 2<sup>nd</sup> day of November, 2015.

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8 J. Richard Creatura  
9 United States Magistrate Judge  
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